

# MIAMI BEACH

## PLANNING DEPARTMENT


### Staff Report & Recommendation

### Historic Preservation Board

TO: Chairperson and Members  
Historic Preservation Board

DATE: March 8, 2016

FROM: Thomas R. Mooney, AICP  
Planning Director



SUBJECT: **HPB File No. 7490, 3425 Collins Avenue**

The applicant, 3425 Collins, LLC., is requesting modifications to previously approved Certificate of Appropriateness for the partial demolition renovation and restoration of the existing 16-story hotel building, including the total demolition of the 1955 south addition, and the construction of a new 16-story detached ground level addition. Specifically, the applicant is requesting approval of additional demolition, design modifications and site plan modifications.

#### **STAFF RECOMMENDATION**

Approval with conditions

#### **EXISTING STRUCTURE**

Local Historic District:	Collins Waterfront
Status:	Contributing
Original Construction Date:	1940
Original Architect:	Roy France

#### **BACKGROUND**

On November 14, 2014, the Historic Preservation Board reviewed and approved a Certificate of Appropriateness for the partial demolition, renovation and restoration of the existing 16-story hotel building, including the total demolition of the 1955 south addition, and the construction of a new 16-story detached ground level addition, as part of a new residential development. Additionally, the Board approved the re-classification of the 8-story south addition constructed in 1955 as 'Non-Contributing,' pursuant to City Code Section 118-534.

Subsequent to the November 12, 2014 meeting, the 1955 south addition was demolished.

#### **ZONING / SITE DATA**

Legal Description:	Lots 1 through 8 inclusive, and the 16.00 foot Alley all in Block 21, AMENDED PLAT OF OCEAN FRONT
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PROPERTY OF THE MIAMI BEACH SUBDIVISION, according to the Plat thereof, as recorded in Plat Book 5, Pages 7 and 8, of the Public Records of Miami-Dade County, Florida.

Zoning:	RM-3, Residential Multi-Family, High Intensity
Future Land Use Designation:	RM-3, Residential Multi-Family, High Intensity
Lot Size:	73,812 S.F. / <b>3.0 Max FAR</b>
Proposed FAR:	221,426 S.F. / <b>3.0 FAR</b>
Existing Height:	161'-0"
Proposed Height:	200'-0" / 16-stories
Existing Use/Condition:	Hotel
Proposed Use:	Residential Multi-Family

### **THE PROJECT**

The applicant has submitted plans entitled "Versailles" as prepared by Nichols Brosch Wurst Wolfe & Associates, Inc, dated January 25, 2016.

The applicant is proposing several modifications to the previously approved project, including the following:

- Increased scope of demolition of interior floor slabs within the 'Contributing' building
- Increased scope of demolition of the 1-story 'Orangerie' structure at the northeast portion of the existing 'Contributing' building
- Demolition and reconstruction of the existing entrance steps located along the west elevation of the 'Contributing' building
- Removal of the loading dock along the north side of the property
- Redesign and relocation of the spiral staircases and bulkhead at the penthouse level of the 'Contributing' building
- Modifications to the North and South elevations of the 'Contributing' building, including minor reconfiguration of window openings
- Modification of the entrance feature located within the driveway to the new tower addition
- Relocation and redesign of the mechanical equipment space located within the new tower addition

### **COMPLIANCE WITH ZONING CODE**

A preliminary review of the project indicates that the application, as proposed, appears to be inconsistent with the following section of City Code, in addition to the variances requested under separate application (HPB File No 7603 a/k/a BOA File 3760):

#### **1. 130-101. Space requirements and location**

The project requires 1 loading space for the new residential tower. The loading space shall be provided internal to the building.

**2. 118-395(b)(2)(d)(1). Repair and/or rehabilitation of nonconforming buildings and uses**

- a. A waiver from Section 118-395(b)(2)(d)(1) of the City Code is required to be approved by the Historic Preservation Board in order to retain the existing structure's non-conforming side yard setback and parking credits is required to be approved by the Historic Preservation Board in order to retain the existing structure's non-conforming side yard setback and parking credits.

The above noted comments shall not be considered final zoning review or approval. These and all zoning matters shall require final review and verification by the Zoning Administrator prior to the issuance of a Building Permit.

**COMPLIANCE WITH CERTIFICATE OF APPROPRIATENESS CRITERIA:**

A decision on an application for a Certificate of Appropriateness shall be based upon the following:

- I. Evaluation of the compatibility of the physical alteration or improvement with surrounding properties and where applicable, compliance with the following criteria pursuant to Section 118-564(a)(1) of the Miami Beach Code (it is recommended that the listed criteria be found Satisfied, Not Satisfied or Not Applicable, as so noted):
  - a. The Secretary of Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings as revised from time to time.  
**Satisfied**
  - b. Other guidelines/policies/plans adopted or approved by Resolution or Ordinance by the City Commission.  
**Satisfied**
- II. In determining whether a particular application is compatible with surrounding properties, the Board shall consider the following criteria pursuant to Section 118-564(a)(2) of the Miami Beach Code (it is recommended that the listed criteria be found Satisfied, Not Satisfied or Not Applicable, as so noted):
  - a. Exterior architectural features.  
**Not Satisfied**  
**The spiral staircases proposed to be located on the Collins Avenue (west) elevation and the mechanical louvers proposed to be introduced along the north elevation will have an adverse impact on the original design of the 'Contributing' building.**
  - b. General design, scale, massing and arrangement.  
**Satisfied**
  - c. Texture and material and color.



**Satisfied**

- d. The relationship of a, b, c, above, to other structures and features of the district.  
**Satisfied**
- e. The purpose for which the district was created.  
**Satisfied**
- f. The relationship of the size, design and siting of any new or reconstructed structure to the landscape of the district.  
**Satisfied**
- g. An historic resources report, containing all available data and historic documentation regarding the building, site or feature.  
**Satisfied**
- h. The original architectural design or any subsequent modifications that have acquired significance.  
**Not Satisfied**  
**The spiral staircases proposed to be located on the Collins Avenue (west) elevation and the mechanical louvers proposed to be introduced along the north elevation will have an adverse impact on the original design of the 'Contributing' building.**

III. The examination of architectural drawings for consistency with the criteria pursuant to Section 118-564(a)(3) of the Miami Beach Code and stated below, with regard to the aesthetics, appearances, safety, and function of any new or existing structure, public interior space and physical attributes of the project in relation to the site, adjacent structures and properties, and surrounding community. The criteria referenced above are as follows (it is recommended that the listed criteria be found Satisfied, Not Satisfied or Not Applicable, as so noted):

- a. The location of all existing and proposed buildings, drives, parking spaces, walkways, means of ingress and egress, drainage facilities, utility services, landscaping structures, signs, and lighting and screening devices.  
**Not applicable**
- b. The dimensions of all buildings, structures, setbacks, parking spaces, floor area ratio, height, lot coverage and any other information that may be reasonably necessary to determine compliance with the requirements of the underlying zoning district, and any applicable overlays, for a particular application or project.  
**Not Satisfied**  
**The applicant has submitted a separate application requesting setback variances (HPB File No 7603 a/k/a BOA File 3760).**
- c. The color, design, surface finishes and selection of landscape materials and architectural elements of the exterior of all buildings and structures and primary public interior areas for developments requiring a building permit in areas of the city identified in section 118-503.



**Not Satisfied**

**The spiral staircases proposed to be located on the Collins Avenue (west) elevation and the mechanical louvers proposed to be introduced along the north elevation will have an adverse impact on the original design of the 'Contributing' building.**

- d. The proposed structure, and/or additions to an existing structure is appropriate to and compatible with the environment and adjacent structures, and enhances the appearance of the surrounding properties, or the purposes for which the district was created.

**Satisfied**

- e. The design and layout of the proposed site plan, as well as all new and existing buildings and public interior spaces shall be reviewed so as to provide an efficient arrangement of land uses. Particular attention shall be given to safety, crime prevention and fire protection, relationship to the surrounding neighborhood, impact on preserving historic character of the neighborhood and district, contiguous and adjacent buildings and lands, pedestrian sight lines and view corridors.

**Satisfied**

- f. Pedestrian and vehicular traffic movement within and adjacent to the site shall be reviewed to ensure that clearly defined, segregated pedestrian access to the site and all buildings is provided for and that any driveways and parking spaces are usable, safely and conveniently arranged and have a minimal impact on pedestrian circulation throughout the site. Access to the site from adjacent roads shall be designed so as to interfere as little as possible with vehicular traffic flow on these roads and pedestrian movement onto and within the site, as well as permit both pedestrians and vehicles a safe ingress and egress to the site.

**Satisfied**

- g. Lighting shall be reviewed to ensure safe movement of persons and vehicles and reflection on public property for security purposes and to minimize glare and reflection on adjacent properties and consistent with a City master plan, where applicable.

**Satisfied**

- h. Landscape and paving materials shall be reviewed to ensure an adequate relationship with and enhancement of the overall site plan design.

**Satisfied**

- i. Buffering materials shall be reviewed to ensure that headlights of vehicles, noise, and light from Structures are adequately shielded from public view, adjacent properties and pedestrian areas.

**Satisfied**

- j. Any proposed new structure shall have an orientation and massing which is sensitive to and compatible with the building site and surrounding area and which creates or maintains important view corridor(s).

**Satisfied**

- k. All buildings shall have, to the greatest extent possible, space in that part of the ground floor fronting a sidewalk, street or streets which is to be occupied for residential or commercial uses; likewise, the upper floors of the pedestal portion of the proposed building fronting a sidewalk street, or streets shall have residential or commercial spaces, or shall have the appearance of being a residential or commercial space or shall have an architectural treatment which shall buffer the appearance of a parking structure from the surrounding area and is integrated with the overall appearance of the project.

**Satisfied**

- l. All buildings shall have an appropriate and fully integrated rooftop architectural treatment which substantially screens all mechanical equipment, stairs and elevator towers.

**Satisfied**

- m. Any addition on a building site shall be designed, sited and massed in a manner which is sensitive to and compatible with the existing improvement(s).

**Satisfied**

- n. All portions of a project fronting a street or sidewalk shall incorporate an amount of transparency at the first level necessary to achieve pedestrian compatibility.

**Satisfied**

- o. The location, design, screening and buffering of all required service bays, delivery bays, trash and refuse receptacles, as well as trash rooms shall be arranged so as to have a minimal impact on adjacent properties.

**Not Satisfied**

**The loading space proposed to be located within the drop off area west of the new residential tower is not permitted. All loading spaces for the new residential tower are to be provided for internal to the new structure.**

**CERTIFICATE OF APPROPRIATENESS FOR DEMOLITION EVALUATION CRITERIA:**

Section 118-564 (f)(4) of the Land Development Regulations of the Miami Beach Code provides criteria by which the Historic Preservation Board evaluates requests for a Certificate of Appropriateness for Demolition. The following is an analysis of the request based upon these criteria:

- a. The Building, Structure, Improvement, or Site is designated on either a national or state level as a part of an Historic Preservation District or as a Historic Architectural Landmark or Site, or is designated pursuant to Division 4, Article X, Chapter 118 of the Miami Beach Code as a Historic Building, Historic Structure or Historic Site, Historic Improvement, Historic Landscape Feature, historic interior or the Structure is of such historic/architectural interest or quality that it would reasonably meet national, state or local criteria for such designation.

**Satisfied**



**The existing structure is designated as part of the Collins Waterfront Local Historic District; the building is designated as a 'Contributing' structure in the historic district.**

- b. The Building, Structure, Improvement, or Site is of such design, craftsmanship, or material that it could be reproduced only with great difficulty and/or expense.

**Satisfied**

**The existing structure would be difficult and inordinately expensive to reproduce.**

- c. The Building, Structure, Improvement, or Site is one of the last remaining examples of its kind in the neighborhood, the country, or the region, or is a distinctive example of an architectural or design style which contributes to the character of the district.

**Satisfied**

**The subject structure is one of the last remaining examples of its kind and is a distinctive example of an architectural or design style which contributes to the character of the district.**

- d. The building, structure, improvement, or site is a contributing building, structure, improvement, site or landscape feature rather than a noncontributing building, structure, improvement, site or landscape feature in a historic district as defined in section 114-1, or is an architecturally significant feature of a public area of the interior of a historic or contributing building.

**Satisfied**

**The subject structure is designated as a 'Contributing' building in the Miami Beach Historic Properties Database.**

- e. Retention of the Building, Structure, Improvement, Landscape Feature or Site promotes the general welfare of the City by providing an opportunity for study of local history, architecture, and design or by developing an understanding of the importance and value of a particular culture and heritage.

**Satisfied**

**The retention of the subject structure is critical to developing an understanding of an important Miami Beach architectural style.**

- f. If the proposed demolition is for the purpose of constructing a parking garage, the Board shall consider it if the parking garage is designed in a manner that is consistent with the Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings, U.S. Department of the Interior (1983), as amended, and/or the design review guidelines for that particular district.

**Not Applicable**

**The demolition proposed in the subject application is not for the purpose of constructing a parking garage.**

- g. In the event an applicant or property owner proposes the total demolition of a contributing structure, historic structure or architecturally significant feature, there shall be definite plans presented to the board for the reuse of the property if the proposed demolition is approved and carried out.

**Not Applicable**

**The applicant is not proposing totally demolish the existing 'Contributing' building.**

- h. The Dade County Unsafe Structures Board has ordered the demolition of a Structure without option.

**Not Applicable**

**The Miami-Dade County Unsafe Structures Board has not ordered the demolition of any part of the subject building.**

**ANALYSIS**

On November 14, 2014, the Historic Preservation Board reviewed and approved a Certificate of Appropriateness for the partial demolition, renovation and restoration of the existing 16-story 'Contributing' building, including the total demolition of the 1955 south addition, and the construction of a new 16-story detached ground level addition, as part of a new residential development. The applicant is currently requesting the following modifications to the approved project:

**'Contributing' Versailles Hotel building**

**Increased scope of demolition of interior floor slabs**

Since the November 2014 meeting, the applicant has further evaluated the level of demolition of the interior floor slabs that will be required in order to effectuate the plans approved by the Board. The applicant has stated the additional demolition requested is due to the current Building Code requirements for the minimum size of egress stairs and elevator shafts as well as the structural support required for the introduction of the approved cantilevered balconies and rooftop pools.

Although staff has concerns regarding the scope of proposed demolition, the project architect and structural engineer have been working very diligently to provide staff and the Board with a comprehensive analysis of the buildings existing structural condition as well as detailed shoring and bracing plans and a proposed sequenced demolition plan. This information has been outlined in reports entitled "Report of Field Testing Services – Concrete Testing and Laboratory Analysis" prepared by N/V/5 Engineers, dated April 27, 2015 and "Faena Versailles Tower, Miami Beach, Florida – Existing Structural Condition Report", as prepared by Desimone Consulting Engineers, dated December 11, 2015. Additionally, the applicant has submitted extensive shoring and bracing plans for each floor as shown on sheets SH-0.0 through SH-13.3. Based on this information, staff is reasonably confident that if the proposed demolition and temporary shoring and bracing plans are appropriately implemented, that the exterior facades as well as the original historic lobby can be successfully restored without additional or total demolition being requested by the applicant at a later date.

Staff would note that the amount of demolition proposed exceeds 25% of the original first floor slab and the building would not be permitted to retain the existing non-conforming front and sideyard setbacks and existing parking credits. However, if the Board finds that the project satisfies the criteria for the retention and restoration of the 'Contributing' building, as outlined in Section 118-395 of the City Code below, a waiver can be granted without the need for variances.

**Sec. 118-395. - Repair and/or rehabilitation of nonconforming buildings and uses.**



\* \* \*

(b) *Nonconforming buildings.*

\* \* \*

(2) Nonconforming buildings which are repaired or rehabilitated by more than 50 percent of the value of the building as determined by the building official shall be subject to the following conditions:

- \* \* \*
- d. Development regulations for buildings located within a designated historic district or for an historic site:
1. The existing structure's floor area, height, setbacks and any existing parking credits may remain, if the following portions of the building remain substantially intact, and are retained, preserved and restored:
    - i. At least 75 percent of the front and street side facades;
    - ii. At least 75 percent of the original first floor slab;
    - iii. For structures that are set back two or more feet from interior side property lines, at least 66 percent of the remaining interior side walls; and
    - iv. All architecturally significant public interiors.
  2. For the replication or restoration of contributing buildings, but not for noncontributing buildings, the historic preservation board may, at their discretion, waive the requirements of subsection(b)(2)d.1. above, and allow for the retention of the existing structure's floor area, height, setbacks or parking credits, if at least one of the following criteria is satisfied, as determined by the historic preservation board:
    - i. The structure is architecturally significant in terms of design, scale, or massing;
    - ii. The structure embodies a distinctive style that is unique to Miami Beach or the historic district in which it is located;
    - iii. The structure is associated with the life or events of significant persons in the City;
    - iv. The structure represents the outstanding work of a master designer, architect or builder who contributed to our historical, aesthetic or architectural heritage;
    - v. The structure has yielded or is likely to yield information important in prehistory or history; or
    - vi. The structure is listed in the National Register of Historic Places.

Staff has found that Criteria i., ii., v. & vi, above are satisfied.

**Increased scope of demolition of the 1-story 'Orangerie' structure**

The applicant is requesting additional demolition of the original dining room structure to be repurposed as an outdoor lounge area located on the northeast side of the building. This will result in the demolition and reconstruction of this portion of the project, with the exception of the north facing wall which is proposed to be retained and restored. Staff would note that the Board had previously approved extensive demolition of this 1-story structure. Since the original

approval the applicant has encountered significant complications with retaining the existing exterior walls while constructing a basement level immediately below this structure. Additionally, the applicant has submitted documentation with regard to its deteriorated structural integrity. As the applicant has performed a digital three-dimensional survey of this portion of the building, staff is confident the structure can be successfully reconstructed according to the plans previously approved by the Board.

**Demolition and reconstruction of the existing entrance steps located along the west elevation**

Staff has no objection to the demolition and reconstruction of the entrance steps which will be necessary in order to dry flood proof the basement level and to coordinate with the revised driveway elevation and accessible route. Staff would note that the existing decorative planter features on either side of the stairs will be retained and restored.

**Removal of the loading dock along the north side of the property**

The applicant is proposing to introduce a café use within the north portion of the building at the ground floor level. This includes the expansion of the previously approved retail space eastward, which will require the removal and relocation of the previously approved loading dock. The loading areas are proposed to be relocated within the basement level and drop off area for the new tower addition. Staff has no objection to removing the previously approved loading dock, as the corresponding modifications to the ground level of the north elevation result in a significantly improved street facing façade improving the pedestrian experience along 35<sup>th</sup> Street. Staff would however, note that pursuant to recently adopted modifications to the loading space requirements, only one loading space is required for the new residential tower and all loading spaces must be contained internal to the structure. Consequently, the applicant has satisfied the loading space requirements by providing one space within the basement level and will be required to remove the exterior loading space proposed for the drop off area along Collins Avenue.

**Redesign of the spiral staircases and bulkhead at the penthouse level**

In an effort to increase views toward the ocean, the applicant is proposing to relocate the previously approved spiral staircases along the east elevation at the penthouse level to the west elevation fronting on Collins Avenue. Since the Board had previously approved architectural modifications to the east elevation, staff believes that the previously approved location is significantly more appropriate than relocating these features to the primary façade which is proposed to be fully restored back to its original design. Additionally, the proposed realignment of penthouse level vertical circulation will require the introduction of large mechanical louvers on the north elevation within the original parapet wall. Staff believes that the proposed mechanical louvers have an adverse impact on the original design of the building and although they will not be visible by northbound-only vehicular traffic, they will be highly visible from the pedestrian perspective traveling south along Collins Avenue. Consequently, staff would recommend the stair features and mechanical louvers remain along the east elevation.

**Modifications to window openings along the North and South elevations**

Since the projects initial approval, the applicant has further development the interior program for the building, including the reorganization of ground floor retail space. The applicant is currently requesting modifications to the window openings located at the pedestal portion of the north and south elevations in order to coordinate with the reconfigured floor plans. Staff believes that the revised fenestration design represents an improvement over the previously approved design for



these areas while still achieving a high level of compatibility with the architectural vocabulary of the 'Contributing' building. Additionally, the revised design more successfully conceals the back of house and service functions contained within these areas.

### **New tower addition**

#### **Modification of the entrance feature located within the driveway**

The applicant is proposing to redesign the previously approved landscaped reflecting pool located within the center of new driveway. Staff has no objection to this request, as the currently proposed water features has been designed in manner which is compatible to the design of the new tower and will have no adverse impact on the surrounding historic district.

#### **Relocation and redesign of the mechanical equipment space**

The previously approved mechanical spaces located on the east side at the ground level are proposed to be removed and replaced with a new water feature. The mechanical equipment is proposed to be relocated to the upper floors and roof area of the new residential tower. Staff has no objection to this modification which will have no adverse impact on the design of the new tower and should serve to improve the arrival experience.

### **RECOMMENDATION**

In view of the foregoing analysis, staff recommends the application be **approved** subject to the conditions enumerated in the attached draft Order, which address the inconsistencies with the aforementioned Certificate of Appropriateness criteria.

**HISTORIC PRESERVATION BOARD**  
**City of Miami Beach, Florida**

MEETING DATE: March 8, 2016

FILE NO: 7490

PROPERTY: 3425 Collins Avenue

APPLICANT: 3425 Collins, LLC

LEGAL: Lots 1 through 8 inclusive, and the 16.00 foot Alley all in Block 21, AMENDED PLAT OF OCEAN FRONT PROPERTY OF THE MIAMI BEACH SUBDIVISION, according to the Plat thereof, as recorded in Plat Book 5, Pages 7 and 8, of the Public Records of Miami-Dade County, Florida.

IN RE: The applicant is requesting modifications to previously approved Certificate of Appropriateness for the partial demolition renovation and restoration of the existing 16-story hotel building, including the total demolition of the 1955 south addition, and the construction of a new 16-story detached ground level addition. Specifically, the applicant is requesting approval of additional demolition, design modifications and site plan modifications.

**CONSOLIDATED ORDER**

The City of Miami Beach Historic Preservation Board makes the following FINDINGS OF FACT, based upon the evidence, information, testimony and materials presented at the public hearing and which are part of the record for this matter:

**I. Certificate of Appropriateness**

- A. The subject site is located within the Collins Waterfront Local Historic District.
- B. A Certificate of Appropriateness for the partial demolition renovation and restoration of the existing 16-story hotel building, including the total demolition of the 1955 south addition, and the construction of a new 16-story detached ground level addition was approved by the Board on November 14, 2014.



- C. Based on the plans and documents submitted with the application, testimony and information provided by the applicant, and the reasons set forth in the Planning Department Staff Report, the project as submitted:
1. Is consistent with the Certificate of Appropriateness Criteria in Section 118-564(a)(1) of the Miami Beach Code.
  2. Is not consistent with Certificate of Appropriateness Criteria 'a' & 'h' in Section 118-564(a)(2) of the Miami Beach Code.
  3. Is not consistent with Certificate of Appropriateness Criteria 'b', 'c' & 'o' in Section 118-564(a)(3) of the Miami Beach Code.
  4. Is consistent with Certificate of Appropriateness Criteria for Demolition in Section 118-564(f)(4) of the Miami Beach Code.
- D. The project would be consistent with the criteria and requirements of section 118-564 if the following conditions are met:
1. Revised elevation, site plan and floor plan drawings shall be submitted and, at a minimum, such drawings shall incorporate the following:
    - a. The spiral staircases at the penthouse level shall not be permitted on the west elevation.
    - b. The introduction of mechanical louvers shall not be permitted at the parapet of the north elevation.
    - c. The loading space proposed to be located at the drop off area for the new residential tower along Collins Avenue shall not be permitted. All loading spaces required for the new residential tower shall be located internal to the structure.
    - d. Any kitchen equipment and venting systems associated with the ground level café shall be chased internally through to the roof.
    - e. The maximum FAR for one project site shall not exceed 3.0.
    - f. The design for the new tower addition shall be presented to the Board in the form of a Status Report at the December 9, 2014 meeting.
    - g. The proposed glass railings for the new balconies at the east elevation of the historic Versailles structure shall be replaced with masonry and glass railings and shall be consistent with the revised plans presented to the Board on November 14, 2014, in a manner to be reviewed and approved by staff consistent with the Certificate of Appropriateness Criteria and/or the directions from the Board.
    - h. The vertical supports for the proposed front canopy structure at the west elevation of the historic Versailles structure shall incorporate decorative urns and palm trees

and shall be consistent with the revised plans presented to the Board on November 14, 2014, in a manner to be reviewed and approved by staff consistent with the Certificate of Appropriateness Criteria and/or the directions from the Board.

- i. The enclosed corridors located on the roof terrace of the new tower shall not be permitted, and shall be redesigned as open air corridors.
- j. The facades of the existing building shall be fully restored to the greatest extent possible, with the exceptions noted on the plans, in a manner to be reviewed and approved by staff consistent with the Certificate of Appropriateness Criteria and/or the directions from the Board.
- k. The historic lobby of the existing building shall be fully restored to the greatest extent possible, according to available historic documentation, in a manner to be reviewed and approved by staff consistent with the Certificate of Appropriateness Criteria and/or the directions from the Board.
- l. The original historic "Versailles" signage located on the west elevation shall be recreated to the greatest extent possible, according to available historic documentation, in a manner to be reviewed and approved by staff consistent with the Certificate of Appropriateness Criteria and/or the directions from the Board.
- m. The final design and details of the proposed canopy located at the west elevation of the historic Versailles tower shall be provided, and all lighting and any required sprinkler systems shall be completely recessed into the structure, in a manner to be reviewed and approved by staff consistent with the Certificate of Appropriateness Criteria and/or the directions from the Board.
- n. Final details of all exterior surface finishes and materials for the historic Versailles tower and the new residential tower, including samples, shall be submitted, in a manner to be reviewed and approved by staff consistent with the Certificate of Appropriateness Criteria and/or the directions from the Board.
- o. A museum quality historic analysis and display of the existing historic structure, inclusive of a photographic and written description of the history and evolution of the original building and its changes of use over time, shall be submitted to and approved by staff, prior to the issuance of a Certificate of Occupancy or a Temporary Certificate of Occupancy; such historic analysis shall be displayed prominently within the public area of the historic structure, in a location to be determined by staff.
- p. All roof-top fixtures, air-conditioning units and mechanical devices shall be clearly noted on a revised roof plan and elevation drawings and shall be screened from view, in a manner to be reviewed and approved by staff, consistent with the Certificate of Appropriateness Criteria and/or the directions from the Board.



2. In accordance with Section 118-395(b)(2) of the City Code, the requirement pertaining to an existing structure's setbacks and parking credits, is hereby waived, to allow for the reconstruction of the original floor slabs.
3. In accordance with Section 118-564(f)(6) of the City Code, the requirement that a full building permit for the new construction be issued prior to the issuance of a demolition permit for existing noncontributing structures, is hereby waived, if the following requirement is met:
  - a. A Building Permit for the reconstruction of the south wall of the historic Versailles tower, according to the plans approved by the Board, shall be issued prior to or concurrently with the permit for the total demolition of the 8-story 1955 south addition.
4. Site plan approval is contingent upon meeting Public School Concurrency requirements. Applicant shall obtain a valid School Concurrency Determination Certificate (Certificate) issued by the Miami-Dade County Public Schools. The Certificate shall state the number of seats reserved at each school level. In the event sufficient seats are not available, a proportionate share mitigation plan shall be incorporated into a tri-party development agreement and duly executed prior to the issuance of a Building Permit.
5. A revised landscape plan, prepared by a Professional Landscape Architect, registered in the State of Florida, and corresponding site plan, shall be submitted to and approved by staff. The species type, quantity, dimensions, spacing, location and overall height of all plant material shall be clearly delineated and subject to the review and approval of staff. At a minimum, such plan shall incorporate the following:
  - a. Street trees shall be required along 35th Street and Collins Avenue, if feasible, in a manner to be reviewed and approved by the Public Works Department.
  - b. A fully automatic irrigation system with 100% coverage and an automatic rain sensor in order to render the system inoperative in the event of rain. Right-of-way areas shall also be incorporated as part of the irrigation system.
  - c. Any overhead utilities located in the adjacent public right-of-ways, shall be placed underground, if feasible, and subject to the review and approval of the Public Works Department.
6. Pursuant to the Escrow Agreement executed between the owner and the City, signed by both parties in March 2009, the owner has agreed to enter into a Streetscape Agreement for all public right-of-way improvements abutting the subject property, including 32<sup>nd</sup> Street between Collins Avenue and the Ocean, Collins Avenue, and 34<sup>th</sup> Street between Collins Avenue and the Ocean, inclusive of the City's public surface parking lot. The following conditions shall be required to be completed, as part of the Streetscape improvements, prior to the issuance of a Partial Certificate of Occupancy (P.C.O), Temporary Certificate of Occupancy (T.C.O.) or final Certificate of Occupancy (C.O.) for either the new building or existing building on the Versailles property (3425 Collins Avenue), whichever occurs last.

- a. 34<sup>th</sup> Street: The owner will install drainage structures and hardscape improvements (including sidewalks, A.D.A. ramps, and vehicular approaches, as described in the City right-of-way plans adjacent to the east side of Collins Avenue at 34<sup>th</sup> Street), or will provide funding for such work, at the discretion of the City's Capital Improvement Projects Department.
  - b. 34<sup>th</sup> Street Surface Parking Lot: The owner will provide landscape and irrigation, or will provide funding for such improvements at the discretion of the City's Capital Improvement Projects Department for the 34<sup>th</sup> Street surface lot.
  - c. Public Beach Access at 34<sup>th</sup> Street: The owner will construct the paved public beach access, including all associated hardscape, landscape, and irrigation, from Collins Avenue to the Ocean. This shall also include all landscape, hardscape, and irrigation located between the east end of the 34<sup>th</sup> Street parking lot and the Ocean.
  - d. Pursuant to Condition 3.d.i below, the owner shall provide lighting in all landscape areas constructed or funded by the owner, in a manner to be reviewed and approved by staff.
7. The applicant has proffered and agreed to construct a grade level Public Beach Walk along the rear of the subject site, subject to the following conditions. The approval of the subject application is contingent upon such Public Beach Walk being constructed in accordance with the following conditions:
- a. The existing raised boardwalk adjacent to the dune and the site, in between 34<sup>th</sup> and 35<sup>th</sup> Streets, shall be demolished and removed. A new Public Beach Walk shall be designed, permitted and built by the applicant and shall connect to the existing raised boardwalks to the north and to the south. All costs associated with the design, permitting and construction of the Public Beach Walk, as described herein, shall be borne by the applicant.
  - b. The applicant shall enter into and record a restrictive covenant, approved by the Miami Beach City Attorney, which runs with the land, confirming the applicant's agreement to design, permit and construct a Public Beach Walk, in accordance with the conditions herein. The restrictive covenant shall be recorded in the public records, at the expense of the applicant.
  - c. The Public Beach Walk shall be generally consistent with the beach walk master plan, and shall require the review and approval of the Public Works Department, as well as all other applicable regulatory agencies and authorities.
  - d. The Public Beach Walk shall be substantially completed as soon as reasonably possible after the issuance of all required permits for its construction.



- e. The construction of the Public Beach Walk will be timed to coincide with the beach walk project behind the Saxony Hotel. If the Versailles is ready for C.O. and construction of the Public Beach Walk has not commenced and completed, then the applicant shall post a bond, or provide other security acceptable to the City Attorney, for the cost of construction of the Public Beach Walk, to guarantee its construction and completion.

## II. Variance(s)

- A. No Variances were requested as a part of this application.

## III. General Terms and Conditions applying to both 'I. Certificate of Appropriateness' and 'II. Variances' noted above.

- A. This Final Order consolidates all conditions and requirements for Certificate of Appropriateness approval as same are contained herein, in the original Order dated November 14, 2014. Accordingly, this Order shall serve as the Final Order for the proposed project and, in the event of conflict between the provisions hereof and those of the November 14, 2014 Order, the provisions hereof shall control.
- B. A Construction Parking and Traffic Management Plan (CPTMP) shall be approved by the Parking Director pursuant to Chapter 106, Article II, Division 3 of the City Code, prior to the issuance of a Building Permit.
- C. Where one or more parcels are unified for a single development, the property owner shall execute and record an unity of title or a covenant in lieu of unity of title, as may be applicable, in a form acceptable to the City Attorney.
- D. Applicant agrees that in the event Code Compliance receives complaints of unreasonably loud noise from mechanical and/or electrical equipment, and determines the complaints to be valid, even if the equipment is operating pursuant to manufacturer specifications, the applicant shall take such steps to mitigate the noise with noise attenuating materials as reviewed and verified by an acoustic engineer, in a manner to be reviewed and approved by staff consistent with the Certificate of Appropriateness Criteria and/or the directions from the Board.
- E. A copy of all pages of the recorded Final Order shall be scanned into the plans submitted for building permit, and shall be located immediately after the front cover page of the permit plans.
- F. The Final Order shall be recorded in the Public Records of Miami-Dade County, prior to the issuance of a Building Permit.
- G. Satisfaction of all conditions is required for the Planning Department to give its approval on a Certificate of Occupancy; a Temporary Certificate of Occupancy or Partial Certificate of Occupancy may also be conditionally granted Planning Departmental approval.



- H. The Final Order is not severable, and if any provision or condition hereof is held void or unconstitutional in a final decision by a court of competent jurisdiction, the order shall be returned to the Board for reconsideration as to whether the order meets the criteria for approval absent the stricken provision or condition, and/or it is appropriate to modify the remaining conditions or impose new conditions.
- I. The conditions of approval herein are binding on the applicant, the property's owners, operators, and all successors in interest and assigns.
- J. Nothing in this order authorizes a violation of the City Code or other applicable law, nor allows a relaxation of any requirement or standard set forth in the City Code.

IT IS HEREBY ORDERED, based upon the foregoing findings of fact, the evidence, information, testimony and materials presented at the November 14, 2014 and March 16, 2016 public hearings, which are part of the record for this matter, and the staff report and analysis, which are adopted herein, including the staff recommendations, which were amended and adopted by the Board, that the application is GRANTED for the above-referenced project subject to those certain conditions specified in Paragraph I, II, III of the Findings of Fact, to which the applicant has agreed.

PROVIDED, the applicant shall build substantially in accordance with the plans entitled "Versailles" as prepared by Nichols Brosch Wurst Wolfe & Associates, Inc, dated September 22, 2014 and plans entitled "Versailles" as prepared by Nichols Brosch Wurst Wolfe & Associates, Inc, dated January 25, 2016, as approved by the Historic Preservation Board, as determined by staff.

When requesting a building permit, the plans submitted to the Building Department for permit shall be consistent with the plans approved by the Board, modified in accordance with the conditions set forth in this Order. No building permit may be issued unless and until all conditions of approval that must be satisfied prior to permit issuance, as set forth in this Order, have been met.

The issuance of the approval does not relieve the applicant from obtaining all other required Municipal, County and/or State reviews and permits, including final zoning approval. If adequate handicapped access is not provided on the Board-approved plans, this approval does not mean that such handicapped access is not required. When requesting a building permit, the plans submitted to the Building Department for permit shall be consistent with the plans approved by the Board, modified in accordance with the conditions set forth in this Order.

If the Full Building Permit for the project is not issued within eighteen (18) months of the meeting date at which the original approval was granted, the application will expire and become null and void, unless the applicant makes an application to the Board for an extension of time, in accordance with the requirements and procedures of Chapter 118 of the City Code; the granting of any such extension of time shall be at the discretion of the Board. If the Full Building Permit for the project should expire for any reason (including but not limited to construction not commencing and continuing, with required inspections, in accordance with the applicable Building Code), the application will expire and become null and void.



In accordance with Chapter 118 of the City Code, the violation of any conditions and safeguards that are a part of this Order shall be deemed a violation of the land development regulations of the City Code. Failure to comply with this **Order** shall subject the application to Chapter 118 of the City Code, for revocation or modification of the application.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

HISTORIC PRESERVATION BOARD  
THE CITY OF MIAMI BEACH, FLORIDA

BY: \_\_\_\_\_  
DEBORAH TACKETT  
PRESERVATION AND DESIGN MANAGER  
FOR THE CHAIR

STATE OF FLORIDA            )  
  )SS  
COUNTY OF MIAMI-DADE    )

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ by Deborah Tackett, Preservation and Design Manager, Planning Department, City of Miami Beach, Florida, a Florida Municipal Corporation, on behalf of the corporation. He is personally known to me.

\_\_\_\_\_  
NOTARY PUBLIC  
Miami-Dade County, Florida  
My commission expires: \_\_\_\_\_

Approved As To Form:  
City Attorney's Office: \_\_\_\_\_ (                    )

Filed with the Clerk of the Historic Preservation Board on \_\_\_\_\_ (                    )

~~Strike-Thru~~ denotes deleted language  
Underscore denotes new language